

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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ADP #97- 67

December 2, 1997

To: County Alcohol and Drug Program Administrators
Residential Treatment Providers

Subject: Termination of Cash Aid and Food Stamp Benefits for Certain Convicted Drug
Felons

This is to inform you of recent federal and state laws that deny cash aid, county aid and relief, and food stamp benefits to individuals convicted of a felony for possession, use, or distribution of a controlled substance. These new laws may impact persons in residential treatment programs.

BACKGROUND**Federal Law:**

Section 115 of the new federal welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (PL 104-193), prohibits using federal Temporary Assistance for Needy Families (TANF) funds for cash aid and food stamps for a person convicted under federal or state law of a felony related to the possession, use, or distribution of a controlled substance. Family members would still be eligible. A subsequent federal law specifies that the drug felony law applies only to drug felonies committed on or after August 22, 1996, the date PRWORA was enacted.

State Law:

In California, the federal TANF cash aid program (formerly called the Aid to Families with Dependent Children program) has been named the California Work Opportunity and Responsibility for Kids (CalWORKS) program. Assembly Bills 1008 and 1260 added sections 12251.3 and 17012.5 to the Welfare and Institutions (W&I) Code to implement the CalWORKS cash aid component of the federal drug felony law. Key provisions of the state law are:

- ☐ The individual must have been convicted in state or federal court after December 31, 1997 (for a drug felony committed on or after August 22, 1996).
- ☐ The disqualifying drug felony includes any plea of guilty or no contest.

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- ☐ Other family members remain eligible for CalWORKS cash aid.
- ☐ The ineligible convicted drug felon who lives with his/her CalWORKS family is also ineligible for nonhealth care benefits. These benefits are County Aid and Relief to Indigents.
- ☐ Counties must issue vouchers or vendor payments for at least rent and utilities to an eligible family if the family includes a member who is ineligible due to a drug felony conviction.

IMPLEMENTATION OF THE CALWORKS CASH AID PROVISIONS OF THE NEW DRUG FELONY LAW

New California W&I section 12251.3 specifies that individuals applying for CalWORKS cash aid on or after January 1, 1998 will be determined ineligible if they were convicted in state or federal court on or after January 1, 1998 for a drug felony committed on or after August 22, 1996. Continuing CalWORKS recipients (i.e., families that were approved for and already receiving cash aid before January 1, 1998) will be asked about their drug felony convictions at the next annual redetermination. Any individual(s) with a disqualifying drug felony will not be eligible for CalWORKS cash aid. Cash aid for other family members will not be affected.

NON-HEALTH CARE BENEFITS - COUNTY AID AND RELIEF TO INDIGENTS

New California W&I Code section 17012.5 specifies that the drug felon who is ineligible for cash aid under CalWORKS, and is a member of a family receiving aid, shall also be ineligible for non-health care benefits. Non-health care benefits are County Aid and Relief to Indigents (called Ageneral assistance≡ in some counties). This new section of state law will also be implemented January 1, 1998.

IMPLEMENTATION OF THE FOOD STAMP PROVISIONS OF THE NEW DRUG FELONY LAW

The food stamp component of section 115 of PRWORA became effective the date the federal law was enacted (August 22, 1996) and has already been implemented by the California Department of Social Services.

Beginning September 1, 1997, food stamp applicants are asked to reveal any drug felony convictions if the felony was committed on or after August 22, 1996. Individuals or families who were already receiving food stamp benefits prior to September 1, 1997 will be asked about their drug felony convictions at the next six-month or annual recertification. Any individual(s) with a disqualifying drug felony will not be eligible for food stamps. Food stamp benefits for other family members are not affected.

MEDI-CAL BENEFITS

The federal PRWORA law does not restrict eligibility for Medicaid (called Medi-Cal in California). Individuals convicted of a drug-related felony who may be otherwise eligible may apply for full-scope Medi-Cal benefits by submitting an application for Medi-Cal to the county welfare office in their county of residence. Under some circumstances, convicted drug felons may be eligible for Medi-Cal and not eligible for CalWORKS or county cash aid.

SURVEY OF NUMBER OF DRUG FELONS

The County Alcohol and Drug Program Administrators Association of California (CADPAAC) has asked the Department of Alcohol and Drug Programs to survey the field in order to determine the effect of this new drug felony law on publicly funded programs. A survey form was sent to providers on October 30, 1997. Results of the survey will be shared with CADPAAC.

Questions regarding the new drug felony law may be directed to Marie Leonard, Program and Fiscal Policy Branch, Program Operations Division, at (916) 322-0495. Questions or comments regarding the survey may be directed to Paul Tanner, Program and Fiscal Policy Branch, Program Operations Division, at (916) 445-5719.

Sincerely,

[Original Signed By]

GLORIA J. MERK, II
Deputy Director
Program Operations Division

cc: Wagerman Associates, Inc
Director's Advisory Council